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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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AIU INSURANCE COMPANY,	:
	:
<i>Plaintiff,</i>	:
	:
- against -	:
	:
EASTWIND TRANSPORT LTD., and	:
EASTWIND INVESTMENT CO.,	:
	:
<i>Defendants.</i>	:
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07 Civ. 9304 (WHP)

**JOINT
SCHEDULING REPORT**

Plaintiff AIU Insurance Company (hereinafter "AIU" or "Plaintiff") and Defendants Eastwind Transport Ltd. and Eastwind Investment Co. (hereinafter "Eastwind"), through respective undersigned counsel, submit their Joint Scheduling Report as follows:

1. Attorney Appearances

For the Plaintiffs:
David T. Maloof
Todd A. Barton
Maloof Browne & Eagan, LLC
411 Theodore Fremd Avenue – Suite 190
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Tel: (914) 921-1200
Attorneys for Plaintiff AIU Insurance Company

For the Defendants:

Owen F. Duffy, III

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Port Washington, NY 11050-3120

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Email: ofd@codus-law.com

*Attorney for Defendants Eastwind Transport Ltd. and Eastwind
Investment Co.*

2. Subject Matter Jurisdiction

Federal jurisdiction is based on an Act of Congress regulating commerce within the meaning of 28 U.S.C. § 1337(a), and under 28 U.S.C. § 1333, and arising under Rule 9(h) within the admiralty and maritime jurisdiction of this Honorable Court.

3. Statement of the Issues

Exactly how much of the frozen cargo was damaged, the extent of liability and damages.

4. Proposed case management plan

(a) Deadline to Amend Pleadings/Add Parties

The parties may amend the pleadings or add parties up to and including March 31, 2008.

(b) Names of Persons/Parties to be Deposed/Schedule of Depositions

None at this time

(c) Schedule for Production of Documents

Rule 26 (a)(1) Disclosures shall be served by March 31, 2007.

(d) Expert Discovery

i. Expert Reports

Parties shall exchange expert reports by July 1, 2008.

ii. **Expert Discovery**

Expert discovery shall be complete by July 15, 2008.

(e) **Discovery Completion**

Factual Discovery shall be completed by July 31, 2008.

(f) **Pretrial Order Materials to Defendant**

Plaintiff shall give Defendant all pretrial order materials by August 15, 2008.

(g) **Pretrial Order Materials to the Court**

All pretrial order materials shall be given to the Court by August 31, 2008.

(h) **Date of Final Pretrial Conference**

_____, 20____

5. **Limitations on Discovery**

None.

6. **Discovery Issues**

None at this time.

7. **Anticipated Length of Trial**

Two day bench trial.

8. **The parties do not unanimously consent to trial before magistrate.**

9. **Status of settlement discussions**

The parties agree to discuss settlement and request a settlement conference no later than at the close of early discovery (or earlier).

10. **Privilege**

- a) The parties shall agree on a date to exchange privilege logs.
- b) Assertions of privilege and work product shall be permitted for documents produced for a period of up to 60 days after production.

11. Electronic Discovery

- a) Emails and other electronic data shall be produced either on disks or printed out as if they were hard copy documents. Emails shall be searched under terms identifying the shipment in question or as otherwise reasonably demanded. Data contained in backup logs/tapes need not be produced unless shown by circumstances to be necessary. No party shall intentionally erase any relevant data or intentionally move any relevant data to backup logs.

Dated: Rye, New York
February 22, 2008

MALOOF BROWNE & EAGAN LLC

By 

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Ltd. and Eastwind Investment Co.*